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FILED BY ECF

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December 28, 2023

Honorable Vincent L. Briccetti  
United States District Judge  
300 Quarropas Street  
White Plains, New York 10601

Re: U.S. v. Joseph Fucci  
22 Cr 598 (VB)

Dear Judge Briccetti,

On April 5, 2023 Your Honor sentenced Mr. Fucci to a Guidelines sentence of 71 months of imprisonment for his violation of 21 U.S.C. §§ 846, 841(b)(1)(B). As determined by Your Honor, the applicable sentencing range was 57-71 months, based on an Offense Level of 24 and a Criminal History Category of IV.

I now write to request that Your Honor appoint me as CJA counsel for Mr. Fucci in connection with a contemplated motion for a reduction of sentence based on a recent amendment of the Sentencing Guidelines. The amendment has retroactive application. I have been in discussions with Mr. Fucci on this topic since October 2023 and submit this request at his urging.

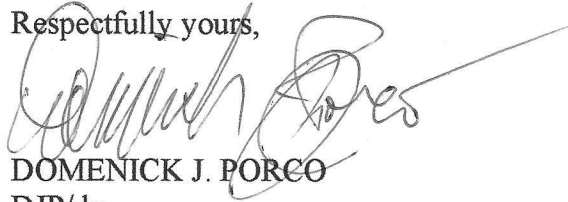
After careful consideration of the matter I am of the view that application of the amendment to Mr. Fucci's sentence would provide considerable relief by lowering his Criminal History Category from "IV" to "III" thereby reducing the resulting sentencing range.

As Your Honor will recall, I was Mr. Fucci's assigned counsel in the matter. Since I have already spent a number of hours in discussions with Mr. Fucci and in conducting legal research, I respectfully request that my appointment be *nunc pro tunc* to October 16, 2023.

I inform Your Honor that as of January 1, 2024 I will no longer be a member of this Court's CJA panel. Thus, if for that reason I am not eligible for this appointment I ask that you assign a panel member on the basis of this application.

As always, thank you for your consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Domenick J. Porco", written over the typed name.

DOMENICK J. PORCO  
DJP/dp

cc. (by ECF): Jennifer Ong, AUSA

(by regular mail): Joseph Fucci